

## **REMARKS**

Upon entry of this amendment, claims 4, 5 and 7 will be canceled without prejudice or disclaimer of the subject matter recited therein; and claims 1,2, 3, 6, 10 and 11 be amended.

Claim 1 is the sole independent claim.

The claims have been amended herein to address the rejections under 35 U.S.C. 112 and to advance prosecution of the application to allowance.

Reconsideration and allowance of the application are respectfully requested.

### **Claim Of Priority**

The Office Action does not acknowledge Applicants' claim of foreign priority nor receipt of the certified copy of the Korean priority application. Applicants therefore respectfully request confirmation of acknowledgment of the claim of foreign priority as well as receipt of the certified copy, which was filed November 6, 2003.

### **Information Disclosure Statements**

Applicants express appreciation for the inclusion with the Office Action of initialed copies of the Forms PTO-1449 submitted with the Information Disclosure Statement filed November 6, 2003, whereby the Examiner's consideration of this Information Disclosure Statements is of record.

### **Listing Of Documents**

The Examiner's listing of documents cited in the Office Action is not correct because the Form PTO-892 does not list U.S. Patent No. 7,138,103 (which is utilized in the prior art

rejection) thereon. Applicants are therefore submitting herewith a Form PTO-1449 listing this document to ensure completeness of the record and the printing of the U.S. patent on the face of the issued patent. The Examiner is therefore requested to forward an initialed copy of the Form PTO-1449 with the next communication from the Patent and Trademark Office.

### **Restriction Requirement**

The Restriction Requirement has been maintained with the claims of Group I, i.e., claims 1-5, 10 and 11, being examined on the merits, and claims 6-9 being withdrawn from consideration as being drawn to a non-elected invention.

Applicants are permitting claims 6, 8 and 9 to remain pending subject to rejoinder upon allowance of the elected subject matter.

### **Rejection Under 35 U.S.C. 112, First Paragraph**

Claims 1, 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as being asserted to fail to comply with the written description requirement. The rejection is basically asserting that the species described by Applicants is not sufficient to establish that Applicants were in possession of the genus of any other copper or copper compound. Thus, the rejection contends that the artisan would recognize that Applicants had possession of  $\text{Cu}_x\text{Fe}_{1-x}\text{OFe}_2\text{O}_3$  nanoparticles, but not of other nanoparticles.

In response to this ground of rejection, independent claim 1 has been amended to recite a radioactive magnetic fluid comprising: magnetic nanoparticles of  $\text{Cu}_x\text{Fe}_{1-x}\text{OFe}_2\text{O}_3$ ; and surfactants

coated onto the surface of the magnetic nanoparticles, wherein x value is between 0.1 and 0.4 and a component of copper in the magnetic nanoparticles of  $\text{Cu}_x\text{Fe}_{1-x}\text{OFe}_2\text{O}_3$  is a radioactive copper.

Accordingly, this rejection should be withdrawn.

**Rejection Under 35 U.S.C. 112, Second Paragraph**

In response to the rejection of claims 1-5, 10 and 11 under 35 U.S.C. 112, second paragraph, as being indefinite, the claims have been amended to even more clearly recite Applicants' subject matter.

Accordingly, this ground of rejection should be withdrawn.

**Art Based Rejections**

Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(a) [apparently 102(e)] as being anticipated by U.S. Patent No. 7,138,103 to Goldberg et al.

In this ground of rejection, the Examiner contends that Goldberg discloses a protein including radioactive copper. However, the rejection does not address that Applicants' particles are magnetic nanoparticles, with the radioactive copper being a component part of the magnetic nanoparticles. Accordingly, the rejection is without appropriate basis.

Moreover, the claim 1 is amended to include subject matter therein from dependent claims, such as dependent claim 4 which is not included in the rejection.

For at least the reasons set forth above, the rejection of record should be withdrawn.

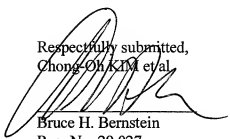
### CONCLUSION

Entry and consideration of the present amendment, reconsideration of the Office Action, and allowance of the present application and all of the claims therein are respectfully requested and believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to the prior art, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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*Approved*  
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